

REMARKS/ARGUMENTS*Claim Rejections – Section 103*

Claims 6, 7, 30, 31, 55, 57, 59-74, 76, 78, 80-91, 93-97 and 99-103 stand rejected under 35 USC § 103(a) as being obvious over Ganderton (US Patent No. 3,814,097). This is the only ground of rejection that the Examiner maintained in the most recent Office Action. The Examiner stated that arguments made in the previous response had overcome the anticipation rejection with regard to Ganderton, but, that the listed claims were considered obvious, in part as a mere design choice.

In previous office actions, the Examiner has characterized Ganderton as teaching a metal sheet that is punctured with holes. The Examiner has stated that the puncturing “inherently results in a conically-extending through hole surrounded by an uneven row of triangular shaped projections, each with a different angle orientation.” The Examiner concludes that “the resulting randomly oriented blades, which must be an inherent product of the puncturing, are seen to anticipate the claimed structure in view of the broad definition of the term ‘anchor.’”

Applicant respectfully submits that any teaching of Ganderton that results in blades that tend to anchor the dressing on a patient’s skin is accidental. Nowhere in the reference is there a discussion of this effect, much less a characterization of it being desirable or beneficial. The Examiner apparently recognizes this distinction by noting that Ganderton’s anchor function is inherent, and by not pointing to any specific disclosure in Ganderton that specifically teaches anchoring.

In contrast, Applicant’s invention is directed to blades having features that are explicitly designed to have an anchoring function. Applicant’s device can be tailored to have specific tissue retention capabilities while minimizing damage, all in a very reproducible manner. Uniform blades are also important to ensure predictable transdermal agent flux to the desired location in the patient. This is done by carefully controlling the characteristics, dimensions and parameters of the blade design. A person following the teaching of Ganderton cannot achieve this control because any “blades” or any anchoring portions of the device, as the Examiner has recognized, are randomly formed. To emphasize this distinction, Applicant has amended independent Claims 6 and 30 to recite that each of the plurality of blades is substantially identical and has a uniform configuration. Although the device may be designed with more than one type

of blade, there is at least a plurality of substantially identical blades as claimed. Ganderton does not disclose any method that could inherently produce such substantially identical blades nor does it suggest the desirability of doing so. Accordingly, Applicant requests that the Examiner withdraw the § 103(a) rejection of Claims 6, 7, 30, 31, 55, 57, 59-74, 76, 78, 80-91, 93-97 and 99-103 over Ganderton.

With respect to Claim 30 and the claims dependent thereon, Applicant notes that in the Office Action mailed June 17, 1999, on page 5, the Examiner stated that then pending Claim 30 and its dependents were not rejected in view of Reed et al., USPN 5,312,456. The Examiner concluded that “[c]learly, Reed does not disclose or suggest a plurality of blades located along a periphery of one opening.” Applicant has returned Claim 30 to correspond to the version that was pending when the Examiner made that determination, but has added the requirement of the “plurality of substantially identical blades” to distinguish over Ganderton as discussed above.

With respect to Claim 6 and the claims dependent thereon, Applicant has retained the claim requirement that the device include an adhesive anchor. As discussed in previous responses, this limitation distinguishes the invention over Reed et al., which teaches away from the use of an adhesive and substantially corresponds to now canceled Claim 53 that had been indicated as being allowable if rewritten.

With respect to Claims 58 and 77, Applicant has amended these claims so that they correspond to the form that the Examiner indicated would be allowable on page 5 of the Office Action mailed June 17, 1999.

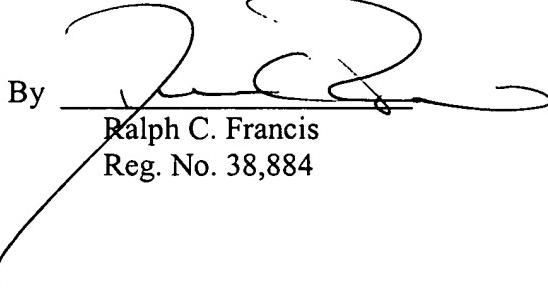
Finally, with respect to new Claims 104-106, Applicant has introduced these claims to correspond to now canceled Claims 54, 75 and 79, which had also been indicated as being allowable in the referenced Office Action.

Conclusion

For the above reasons, Applicants submit that the pending claims are patentable over the art of record. To expedite prosecution of the case, the Examiner is invited to contact the undersigned at the telephone number below to discuss any aspect of the application.

Respectfully submitted,
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